

S. B. No. 450.
Introduced by Mr. Ashley
June 6, 1905.

} Senate
} Enrolled No. 231.

AN ACT

To regulate the civil service of the city of Detroit, provide for the appointment of a civil service commission therein, prescribe its duties and powers, prohibit assessments of officers and employees for political purposes and provide certain penalties for the violation of this act.

The People of the State of Michigan enact:

Section 1. The mayor of the city of Detroit shall appoint four persons as the civil service commission. Said commission shall constitute the civil service commission of the said city of Detroit. One of said commissioners shall hold his office for the term of one year from January first, nineteen hundred six, and the other of said commissioners shall hold their offices respectively for a period of two, three and four years from said date, and each year the mayor shall appoint one commissioner to succeed the commis-

sioner whose term shall soonest expire. Said commissioner shall hold no other appointive or elective office under the United States, the state of Michigan, the county of Wayne, or the city of Detroit, except notaries public, and no other persons shall be eligible to appointment as civil service commissioner who shall have held such elective or appointive office within a period of two years next preceding his term of office. The commissioner whose term first expires shall be president of said commission.

Section 2. The commission shall from time to time, prepare and publish rules regulating the selection of persons to fill appointive positions in the municipal service, which said rules shall govern in the examination, appointment, promotion and removal of all employees and officers of the city affected thereby, which said rules may be of general or limited application. Such rules shall go into effect at a time to be decided by the commission not later than sixty days from the time of their adoption. The occupants of all offices and appointments in said city, at the time this act becomes effective shall remain in office during the remainder of the term for which they were appointed at the time this act takes effect unless removed by the head of the department under existing laws. Such rules shall include provisions for:

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1. The classification of the positions and employments to be filled upon open competitive examinations to test the practical fitness of the applicants for such positions and employments and the holding of such examinations.

2. The selection of persons for service in such public positions and employments and for filling vacancies therein in accordance with the results of such examinations and tests.

3. Promotions, if practicable, on the basis of ascertained merit in the examination and seniority of service and the period of probation before an appointment or employment is made permanent.

4. Holding of examinations at stated intervals for the purpose of ascertaining the relative fitness of applicants for positions in the service.

Section 3. The office force of the mayor, heads of departments, their chief assistants or deputies who are authorized to act generally for and in place of their principals; one secretary and stenographer of each officer and commissioner or board authorized by law to appoint a secretary and stenographer; one clerk or deputy of each court, all members of the law department, the superintendents and teachers of the public schools and common laborers whose compensation does not exceed one dollar and seventy-five cents per day, shall not be subject to the provisions

hereof or the rules of said commission. Stenographers employed in the various departments shall also be exempt from the provisions of this act.

Section 4. All examinations shall be practical in their character and shall relate to those matters which shall fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed. No question in any examination shall relate to, and no appointment to any position or selection for employment shall be affected by political or religious affiliation or opinion. The examination and qualifications for members of the police force and fire departments of said city, shall be subject to the approval of the police commissioner and the board of fire commissioners respectively. All appointments made by the civil service commissioner under the provisions of this act shall be made in accordance with the relative standing of all persons taking examinations for such class of appointments; the person having the highest standing for a position of a certain class, shall be appointed by said commissioner to a vacancy or position in preference to all other applicants. Examinations shall be uniform as to all applicants for like positions. After any set of questions has been presented to an applicant for answer by said applicant, the said commission

shall not allow said applicant to consult any authority or reference before answering said question or questions.

Section 5. No person shall wilfully and corruptly defeat, deceive or obstruct any person as to his right of examination; or wilfully or corruptly make a false mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder or aid in so doing; or wilfully or corruptly make any false representation concerning the same or concerning the person examined, or wilfully or corruptly furnish to any person any special or secret information for the purpose of improving or injuring the prospects or chances of an appointment, an employment, or promotion of any person so examined or to be examined.

Section 6. No recommendation of an applicant for a position or employment, except as to the character or the residence of the applicant, shall be received or considered by any person in making an appointment.

Section 7. No alderman, officer or employee of any department, and no executive officer or clerk of any department shall personally solicit or receive directly or indirectly or be concerned in soliciting or receiving any assessment, subscription or contribution for any purpose whatever from any person appointed

under the provisions of this act, nor shall any person solicit or receive directly or indirectly or be concerned in soliciting or receiving any assessment, subscription or contribution from any person appointed or seeking appointment under the provisions of this act for any political purpose whatever or for the forwarding the candidacy of any person seeking public office, nor shall any person appointed or seeking appointment under the provisions of this act make any contribution either directly or indirectly, voluntarily or involuntarily towards a campaign fund for advancing the interest of any person seeking public office.

Section 8. No officer or employee shall discharge, promote or degrade an officer or employee, or change his official rank or compensation or promise or threaten to do so, for giving, withholding, or neglecting to make a contribution of money or other valuable thing for a political purpose.

Section 9. No officer, clerk, or other person shall, directly or indirectly, give or deliver or promise to give or deliver to any officer, clerk or person in said service, or by any alderman or commissioner, or to any officer or to any employee of the city, any money or other valuable thing on account of or be applied to the promotion of any political object whatever.

Section 10. No person in the service of the city shall use his official authority or influence to coerce the political action of any person or body or to interfere with any election.

Section 11. No person in the public service shall, for that reason, be under obligations to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so.

Section 12. No person holding a public office or in nomination for, or seeking the nomination for, or appointment to an office, shall corruptly use or promise to use, directly or indirectly, any official authority or influence to confer upon any person or to aid the person to obtain an office or public employment or nomination, confirmation, promotion or increase of salary, upon the consideration or condition of the vote, political influence or action of any person shall be given or used in behalf of the candidate, officer or party, or upon any other corrupt condition or consideration.

Section 13. Appointments shall be made to or employment shall be given in all positions in the competitive class that are not filled by promotion, re-instatement, transfer or reduction under the provisions of this act, and the rules in pursuance thereof by appointment of those certified by said commis-

sion in open competitive examination, according to the rules and regulations adopted by said commission.

Section 14. Whenever there are urgent reasons for filling a vacancy in any position in the competitive class and there is no list of eligible persons for appointment after competitive examination, the appointing officer may nominate a person to the commission for non-competitive examination, and if such nominee shall be certified by such commission as qualified after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination, but such provisional appointment shall not continue for a longer period than two months, nor shall successive temporary appointments be made to the same position.

Section 15. When the services to be rendered by an appointee are for a temporary period not to exceed two months and the need of such service is important and urgent, the appointing officer may select for such service any person on the proper list of those eligible for permanent appointment though in regard to his standing on such list.

Section 16. No person holding a position by appointment or employment under the provisions of this chapter shall be removed from his position or employment, except for incompetency or misconduct

shown after a hearing upon due notice upon stated charges made to the civil service commission, or by or before some officer or board appointed by said commission to conduct such investigation. The finding and decision of such commission or investigating officer or board when approved by said commission shall be certified to the appointing officer, and shall forthwith be enforced by such officer. Nothing in this section shall limit the power of any officer to suspend a subordinate for a period not exceeding thirty days.

Section 17. The city controller shall not audit or allow and the city treasurer shall not pay or be in any manner concerned in paying any person any salary or wages for services as officers or employees of the city which office or place of employment is occupied in violation of the provisions of this act, or of the rules adopted thereunder.

Section 18. Said commission shall on or before the first day of May of each year make to the mayor, for transmission to the common council a report showing its own actions, the rules in force, practical effects thereof, and any suggestion it may approve for the more effectual accomplishment of the purposes of this act. The mayor may require other reports from the commission from time to time.

Section 19. Said commission shall serve with-

out compensation, but the commission may employ a chief examiner at a salary not to exceed fifteen hundred dollars per year, whose duty it shall be, under the direction of the commission, to superintend any examination held under this act. The chief examiner shall be exofficio secretary of said commission and shall keep the minutes of its proceedings, preserving all reports made to it, keep a record of all examinations held under its direction and perform all such other duties as the commission shall prescribe. When necessary, special examiners may be employed by the commission at a compensation not exceeding five dollars per day. The commission, may in its discretion, employ a stenographer whose compensation shall not exceed one thousand dollars per year.

Section 20. The common council and the board of estimates shall annually appropriate a sufficient sum of money to carry out the provisions of this act. The appropriation for the fiscal year shall have been made when this act takes effect then the expenses as herein provided may be paid for such fiscal year out of any other moneys not otherwise appropriated.

Section 21. Any person making an appointment to office or selecting a person for employment contrary to, or wilfully refuses or otherwise neglects to comply with the provisions of this act or of any

rule adopted thereunder shall, unless some other penalty is specifically provided, be punished by a fine of not less than one hundred nor more than one thousand dollars, for each offense, or imprisonment in the Detroit House of Correction for a term not exceeding one year.

Section 22. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

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President of the Senate.

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Speaker of the House of Representatives.

Approved.....

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Governor.



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